

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

United States of America, )  
Plaintiff, ) 8:08CR412  
vs. )  
Daniel Kleve, ) DETENTION ORDER  
Defendant. )

A. **Order For Detention**

After conducting a detention hearing pursuant to 18 U.S.C. § 3142(f) of the Bail Reform Act, the Court orders the above-named defendant detained pursuant to 18 U.S.C. § 3142(e) and (i).

B. **Statement Of Reasons For The Detention**

The Court orders the defendant's detention because it finds:

- By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required.
- By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community.

C. **Finding Of Fact**

The Court's findings are based on the evidence which was presented in court and that which was contained in the Pretrial Services Report, and includes the following:

- (1) Nature and circumstances of the offense charged:  
 (a) The crime: Failure to Register as a Sex Offender in State of Nebraska and Felon in Possession is a serious crime and carries a maximum penalty of 10 years imprisonment.  
 (b) The offense is a crime of violence.  
 (c) The offense involves a narcotic drug.  
 (d) The offense involves a large amount of controlled substances, to wit:

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- (2) The weight of the evidence against the defendant is high.  
 (3) The history and characteristics of the defendant including:  
 (a) General Factors:  
 The defendant appears to have a mental condition which may affect whether the defendant will appear.  
 The defendant has no family ties in the area.



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- (3) A controlled substance violation which has a maximum penalty of 10 years or more; or
  - (4) A felony after the defendant had been convicted of two or more prior offenses described in (1) through (3) above, and the defendant has a prior conviction for one of the crimes mentioned in (1) through (3) above which is less than five years old and which was committed while the defendant was on pretrial release.
- (b) That no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community because the Court finds that there is probable cause to believe:
- (1) That the defendant has committed a controlled substance violation which has a maximum penalty of 10 years or more.
  - (2) That the defendant has committed an offense under 18 U.S.C. § 924(c) (uses or carries a firearm during and in relation to any crime of violence, including a crime of violence, which provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device).

**D. Additional Directives**

Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

1. The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and
2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: December 22, 2008.

BY THE COURT:

s/ F. A. Gossett  
United States Magistrate Judge